

Message Text

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ACTION INR-10

INFO OCT-01 EUR-12 NEA-11 CIAE-00 NSAE-00 HA-05 ISO-00
/039 W

-----079255 052327Z /64

P 051646Z JUN 78 ZDK
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 2602
INFO AMCONSUL LENINGRAD
AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMEMBASSY PARIS
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMEMBASSY TEL AVIV
USMISSION USNATO
AMEMBASSY WARSAW
AMEMBASSY LONDON
AMCONSUL MUNICH

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 12690

E.O. 11652: GDS
TAGS: PINT, CSCE, SHUM, UR
SUBJECT: IMMINENCE OF GINZBURG AND
SHCHARANSKIY TRIALS

REF: STATE 139219 (NOTAL)

SUMMARY: SHCHARANSKIY STILL DOES NOT HAVE AN OFFICIAL
DEFENSE LAWYER AND IT IS LIKELY A NEWLY-APPOINTED LAWYER
WOULD BE GIVEN SOME TIME TO FAMILIARIZE HIMSELF WITH
THE EVIDENCE AGAINST SHCHARANSKIY. THE GINZBURG TRIAL
COULD BEGIN ANY DAY AS THE LEGAL EXTENSION OF HIS PRE-
TRIAL IMPRISONMENT ENDED JUNE 3. BRITISH EMBASSY
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OFFICERS ARE ATTEMPTING TO TRAVEL TO KALUGA WHERE
THEY BELIEVE THE GINZBURG TRIAL MAY HAVE BEGUN JUNE 5.
U.S. EMBOFFS, WHOSE EARLIER REQUEST TO TRAVEL TO
KALUGA DURING JUNE 4-8 WAS DENIED, HAVE MADE NEW
REQUEST FOR JUNE 7-9. END SUMMARY.

1. WE HAVE NOT HEARD THAT SOVIET AUTHORITIES HAVE

ADVISED FRIENDS OF SHCHARANSKIY TO LEAVE MOSCOW BY JUNE 10, BUT WILL ATTEMPT TO CHECK WITH OUR UNOFFICIAL CONTACTS.

2. AS PREVIOUSLY REPORTED, THERE ARE INDICATIONS PRESSURE IS BEING APPLIED TO PEOPLE WHO MIGHT ATTEND TRIALS OF DISSIDENTS, BUT THE ASSUMPTION AMONG HUMAN RIGHTS ACTIVISTS AND REFUSENIKS IS THAT THESE ACTIONS ARE BEING TAKEN IN PREPARATION FOR A TRIAL OF GINZBURG, WHOSE LEGAL PERIOD OF PRE-TRIAL DETENTION ENDED JUNE 3.

3. SHCHARANSKIY'S FIFTEEN MONTH ANNIVERSARY IN JAIL ENDS JUNE 15, AND WE CAN THEREFORE EXPECT MOVEMENT IN THE NEAR FUTURE TO EITHER BEGIN HIS TRIAL OR TO OBTAIN ANOTHER EXTENSION OF PRE-TRIAL DETENTION FROM THE SUPREME SOVIET. THE SCENARIO PLAYED OUT IN THE GINZBURG TRIAL MAY GIVE IS A MORE ACCURATE IDEA OF WHAT TO EXPECT IN THE SHCHARANSKIY CASE.

4. IT IS ALSO NOTEWORTHY THAT SHCHARANSKIY STILL DOES NOT HAVE A DEFENSE LAWYER, AND ACCORDING TO THE RSFSR CODE OF CRIMINAL PROCEEDINGS, A NEWLY APPOINTED LAWYER MUST BE GIVEN TIME TO FAMILIARIZE HIMSELF WITH THE EVIDENCE IN THE CASE. CONSIDERING THE DURATION OF THE INVESTIGATION, THERE MUST BE CONSIDERABLE MATERIAL WHICH COULD TAKE SOME TIME TO CONFIDENTIAL

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READ. SOME DISSIDENTS THEORIZE THAT THE AUTHORITIES MAY BE KEEPING A "SPARE" LAWYER FULLY BRIEFED WHOM THEY COULD AT ANY TIME ANNOUNCE AS THE DEFENSE LAWYER OVER THE OBJECTIONS OF THE FAMILY. THESE SOURCES CLAIM THAT THE SHCHARANSKIY FAMILY CANNOT LEGALLY DELAY THE TRIAL INDEFINITELY SIMPLY BY REFUSING COURT APPOINTED LEGAL COUNSEL. BASED ON AUTHORITIES' DEMONSTRATED DESIRE IN ORLOV TRIAL TO AT LEAST GIVE PRETENSE OF LEGALITY TO DISSIDENT TRIALS, WE EXPECT PROCEEDINGS IN SHCHARANSKIY CASE TO FOLLOW, IN FORM IF NOT IN SUBSTANCE, THE REQUIREMENT THAT NEWLY APPOINTED LAWYER BE GIVEN TIME TO FAMILIARIZE HIMSELF WITH THE EVIDENCE AGAINST THE DEFENDANT.

5. SOLOMON ALBER, WHO HAS REPLACED DINA BEILINA AS CHIEF REFUSENIK ADVISOR TO SHCHARANSKIY FAMILY, TOLD EMBOFF THAT SHCHARANSKIY'S MOTHER RECENTLY SENT A TELEGRAM TO RSFSR AUTHORITIES SAYING THAT SHE AND FRENCH ATTORNEY RAPPAPORT WOULD JOINTLY BE DEFENSE COUNSEL FOR ANATOLI. ALBER THOUGHT THIS WAS NECESSARY TO TRY TO ENSURE THAT SHE WILL BE PRESENT AT TRIAL. REFUSENIK CIRCLES BELIEVE IT

POSSIBLE THAT AUTHORITIES MAY CLOSE TRIAL EVEN TO FAMILY ON GROUNDS THAT TREASON TRIAL INVOLVES STATE SECRETS. SHCHARANSKIY'S WIFE AVITAL AND AVITAL'S BROTHER, BOTH OF WHOM ARE CURRENTLY IN ISRAEL, OPPOSED THIS DECISION, FEARING THAT IT WOULD GIVE SOVIETS OPPORTUNITY TO ACCEPT SHCHARANSKIY'S MOTHER AS SOLE DEFENSE COUNSEL, A FUNCTION THEY BELIEVE HER NOT ABLE TO ACQUIT, AND THEREFORE REFUSE TO LET ANATOLI SPEAK ON HIS OWN BEHALF.

6. IN OUR VIEW IT IS NOT LIKELY THE ORLOV - GMSAKHURDIA/KOSTAVA TRIALS SET ANY PRECEDENT FOR THE REMAINING TWO TRIALS. GMSAKHURDIA'S CONFESSION WAS USEFUL TO THE AUTHORITIES IN THAT IT CONFIDENTIAL

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SEEMED TO CONFIRM THE OFFICIALLY PROMOTED IMPRESSION OF MALFEASANCE AMONG SOVIET CSCE MONITORING GROUP MEMB MU. IF SHCHARANSKIY AND GINZBURG ARE TRIED SIMULTANEOUSLY, IT WOULD HAVE TO BE FOR OTHER REASONS.

7. SOME DISSIDENTS HAD LONG FEARED THAT ALL THREE DISSIDENTS, ORLOV, GINZBURG AND SHCHARANSKIY, WOULD BE TRIED AT THE SAME TIME AS A MEANS OF LESSENING THEIR FRIENDS' ABILITY TO KEEP UP WITH ALL THREE TRIALS. THIS ARGUMENT SEEMS LESS PROBABLE NOW THAT THE ORLOV TRIAL HAS ENDED, AND ACCESS TO KALUGA WHERE GINZBURG IS EXPECTED TO BE TRIED IS PRESENTLY CLOSED FOR "REASONS OF A TEMPORARY NATURE."
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8. THE MOST CURRENT RUMORS HERE HAVE THE GINZBURG TRIAL BEGINNING THIS WEEK (JUNE 5-10), AND THE SHCHARANSKIY TRIAL IN EARLY JULY. HOWEVER, THESE ARE NO MORE THAN EDUCATED GUESSES.

9. WE HAVE JUST LEARNED THAT THE BRITISH EMBASSY, HAVING BEEN INFORMED OF OUR PLANS AND CLEARLY ON INSTRUCTIONS FROM LONDON, INTENDS TO TRY TO SEND TWO OFFICERS TO KALUGA THIS WEEK, ON THE ASSUMPTION THAT THE GINZBURG TRIAL MAY BE UNDERWAY THERE. THE TWO UK EMBOFFS PLAN TO DEPART MOSCOW BY CAR ON TUESDAY, JUNE 6. SO FAR THEY HAVE HAD NO RESPONSE TO THEIR TRAVEL NOTE, WHICH WAS SENT TO THE MFA JUNE 2. U.S. EMBOFFS WERE DENIED PERMISSION TO TRAVEL TO KALUGA JUNE 4 AND HAVE MADE NEW REQUEST FOR JUNE 7.
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